

Amendments to the Drawings:

The drawing sheets attached in connection with the above-identified application containing Figures 1-3 are being presented as new formal drawing sheets to be substituted for the previously submitted drawing sheets. The drawing Figures 1-3 have been amended. Appended to this amendment are annotated copies of the previous drawing sheets which have been marked to show changes presented in the replacement sheets of the drawings.

The specific changes which have been made to Figures 1-3 are to replace “E” with “ ϵ ” in Figure 1, to add a “F(N)” label to vertical axes of Figures 2 and 3, and to add a “ ϵ (%)” label to the horizontal axes of Figures 2 and 3.

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on pages 3, 4, 7, 8, 10-12, and 20.

Claim 2 has been canceled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1 and 3-14 are now pending in this application. Claims 7-9 and 14 have been withdrawn from consideration.

Information Disclosure Statements

Applicant thanks the Office for providing a signed and initialed copy of the PTO/SB/08 form filed with the Information Disclosure Statement of May 3, 2006. However, the Office did not initial references A3 and A4 on the PTO/SB/08 form filed with the Information Disclosure Statement of July 26, 2006. A typed note on the PTO/SB/08 form indicates that these two references were not considered because there was no English translation.

Applicant respectfully submits that a concise explanation about the content of the information for a reference not in the English language may be either separate from or incorporated in an Applicant's specification. See 37 C.F.R. 1.98(a)(3)(i) and M.P.E.P. § 609.04(a), Part III. Reference A3 is discussed on pages 2-3 of Applicant's specification and reference A4 is discussed on pages 7-8 of Applicant's specification. Therefore, the requirements for a concise explanation have been met. The Office is required to consider all citations submitted in compliance with the rules. See M.P.E.P. § 609.05(b). Applicant

respectfully requests consideration of references A3 and A4, and a signed and initialed copy of the PTO/SB/08 form with the next Office correspondence.

Objection to the Drawings

The drawings are objected to for containing informalities. The drawings have been amended to overcome this objection. Reconsideration and withdrawal of this objection is respectfully requested.

Objection to the Specification

The specification is objected to for containing informalities. The specification has been amended to overcome this objection. Reconsideration and withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 1-6 and 10-13 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this rejection.

The Office asserts on pages 3-4 of the Office Action that the disclosure of the application would not enable one of ordinary skill in the art to practice the claimed invention because the disclosure does not provide actual breaking load values. Applicant notes that one cannot know the particular breaking load of a cord sample unless that sample is tested and broken. However, once this has been accomplished, that sample cannot subsequently undergo cycle testing because it is broken. One of ordinary skill in the art would understand that a breaking load value for a sample must be provided from another source. For example, another cord sample can be taken from the same spool or production batch and tested to determine a breaking load value. Because this value is for a sample from the same spool or production batch, there would be little variation between the breaking load of the broken sample and the breaking load for the sample to be tested cyclically. Such variation would be within a normal statistical distribution for a population of breaking load values for a spool or production batch. A breaking load value obtained in this way can be called an “aim” value, as noted by the Office on page 4 of the Office Action. Furthermore, the “aim” value could

also be averaged values of breaking loads determined from several samples. Therefore, one of ordinary skill in the art would be able to practice the claimed invention without undue experimentation.

Furthermore, Applicant notes that it is not very important what value is used for 20% of the breaking load for a sample, as long as the value falls within the linear range of the stress-strain curve and the initial load is low enough to capture the initial non-linear behavior, as described in the specification on page 9, lines 17-25. For example, a breaking load of 948 N for a 7 x 3 x 0.15 sample provides cycle limits of 1.896 N to 189.6 N and a breaking load of 929 N provides limits of 1.858 N to 185.8 N. The variation between these sets of limits would be within the amount of measurement uncertainty. Thus, the measurement of structural elongation would not be sensitive to variations in the breaking load value for a sample, such as the variation introduced by using an “aim” breaking load.

The Office argues on pages 4-5 of the Office Action that the disclosure does not enable one of ordinary skill in the art to practice the claimed invention because the disclosure does not provide sufficient detail as to how one of ordinary skill in the art would determine if a given cord would infringe Applicant’s cord. Applicant respectfully traverses this argument. Firstly, one of ordinary skill in the art would be able to make and use the cord described in Applicant’s disclosure without undue experimentation. For example, the disclosure provides examples of steel compositions that can be used to make the steel cords, coatings that can be used, lay lengths, combinations of filaments, and manufacturing parameters for the cord. See, for example, pages 4-5 and 13-20 of the specification. Applicant’s disclosure enables one of ordinary skill in the art to be able to produce Applicant’s steel cord without undue experimentation.

Secondly, the Office appears to argue that the claimed steel cord is not enabled because one would have to engage in testing to determine if a steel cord infringes. However, the Office does not provide a basis for why testing cannot be a basis for determining infringement. In fact, Applicant notes that it is commonplace to claim properties of a material, such as an elongation of material, which would require testing to determine if infringement is occurring. For example, claim 1 of both U.S. Patent No. 5,843,583 and U.S.

Patent No. 6,475,636 (which were both cited of interest by the Office) recite an elongation value or property that would require testing to determine if infringement is occurring. Furthermore, Applicant's disclosure describes the testing that one would have to undertake to determine the structural elongation of a cord. Therefore, Applicant's disclosure enables one of ordinary skill in the art to determine if a steel cord is infringing without undue experimentation.

The Office asserts on page 5 of the Office Action that the "comprising" language of the claims permits other elements to be used in the claimed steel cord, which would materially alter the ability of the cord to pass the test and cause unpredictable results. As discussed above, Applicant's disclosure enables one of ordinary skill in the art to test the structural elongation of steel cords without undue experimentation. One of ordinary skill in the art would be able to test a steel cord, whether the steel cord includes two or more strands or whether the strands include two or more filaments, and determine the structural elongation of that steel cord.

Claims 1-6 and 10-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims have been amended to overcome this rejection.

For at least the reasons discussed above, reconsideration and withdrawal of these rejections is respectfully requested.

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to

charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

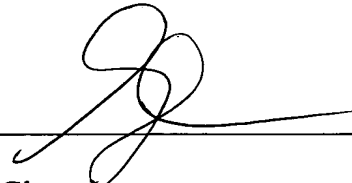
Respectfully submitted,

Date

2/20/08

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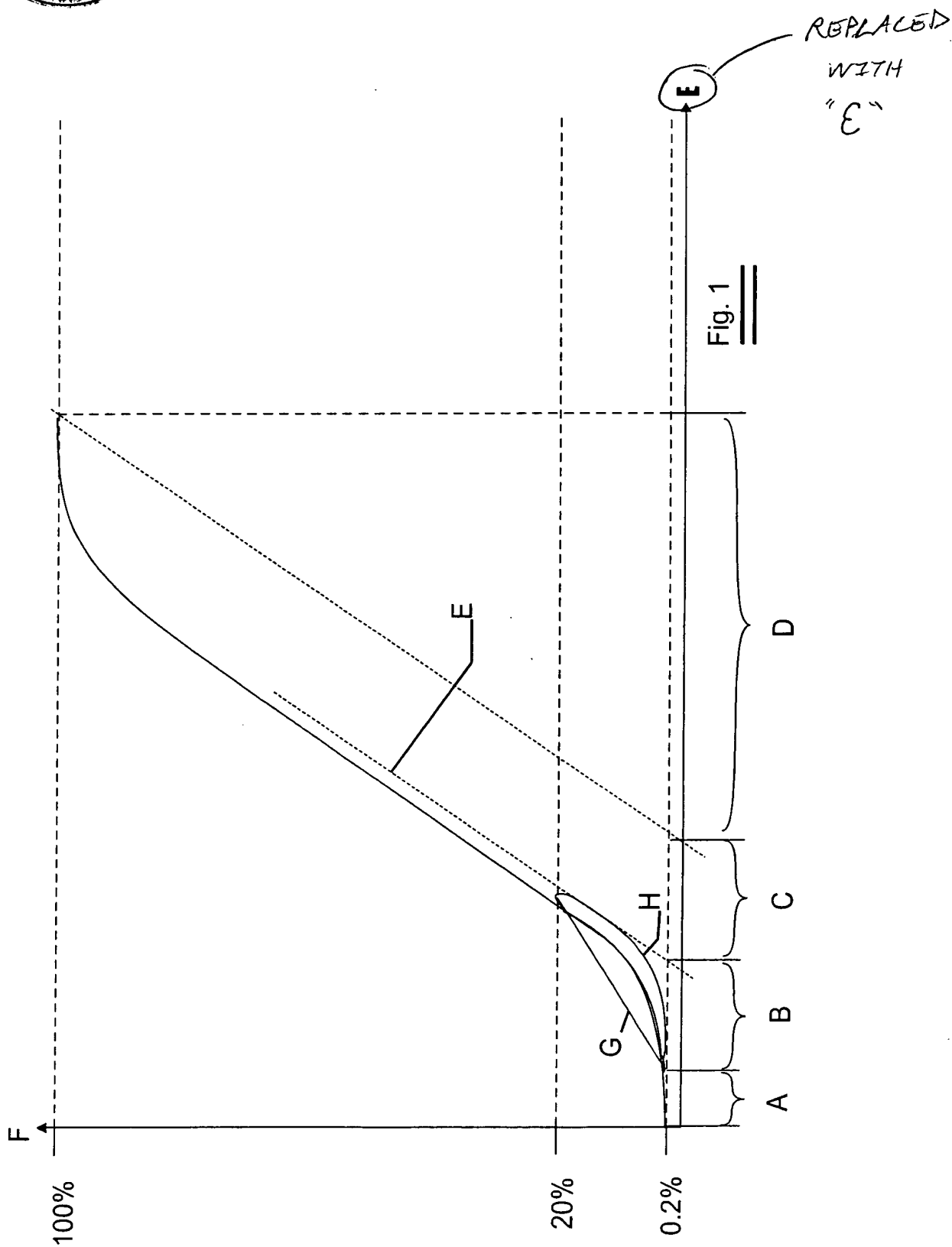
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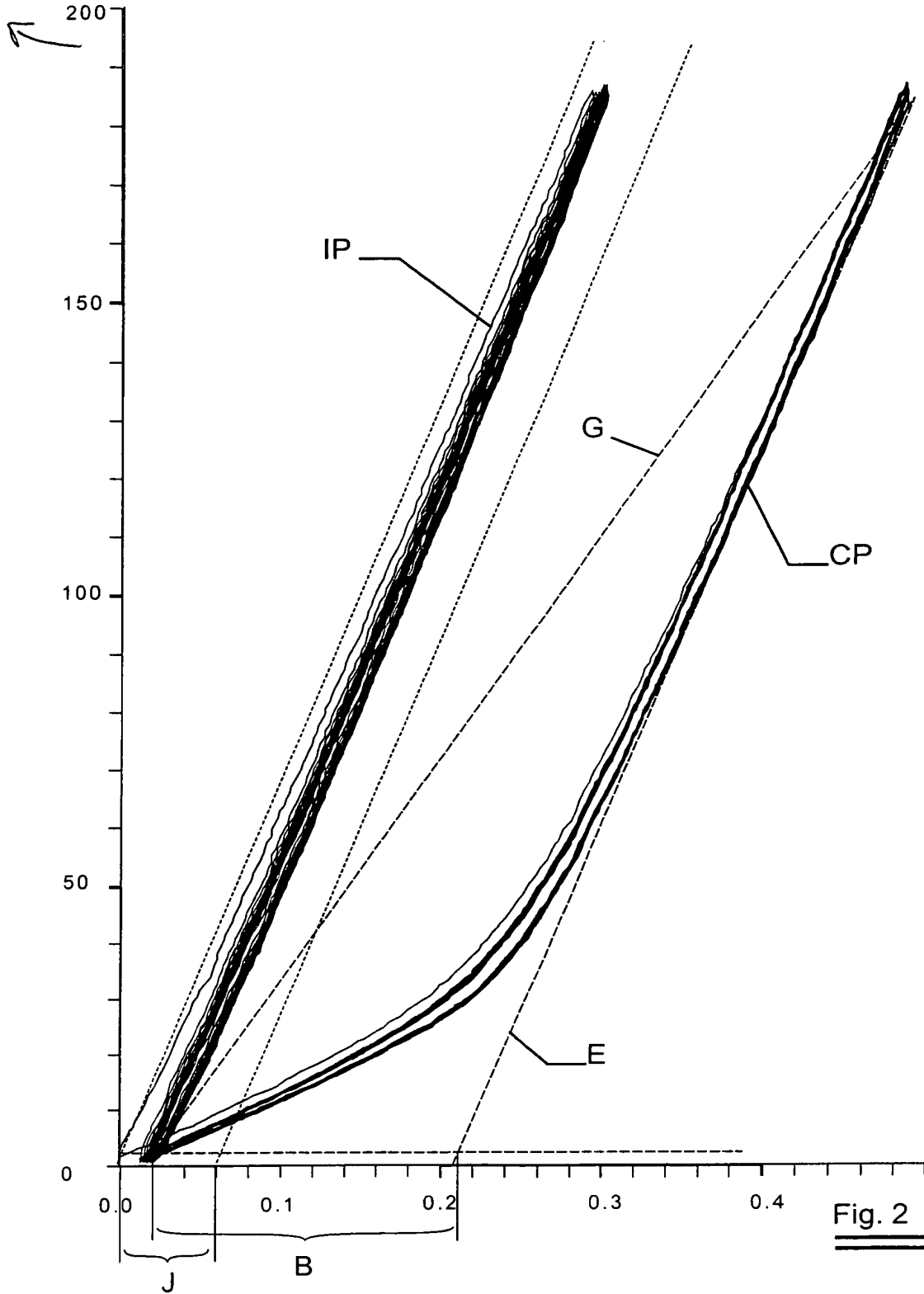


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